IN THE HIGH COURT OF JUDICATURE AT JABALPUR (MP)

WRIT PETITION 2494 OF 1999

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA

PETITIONER : ISGEC John Thompson
a unit of M/s Saraswati Industrial Syndicate Limited,
A-245, Okhla Industrial Area,
Phase-I,
New Delhi - 110 020

-Versus-

RESPONDENTS :

1. Presiding Officer,
Labour Court, Durg
(under ID Act)

2. Senior Manager (IR),
Bhilai Steel Plant, Bhilai.

3. Shri Ram Narayan Singh,
C/o General Secretary,
Chattisgarh Engineering
Karmachari Sansthan,
4-C, St., 63, HSCL
Colony, Sector-6,
Bhilai, District Durg(MP)

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4. M/s.Goure Sundar
Enterprises, H.I.G. - II .
M.P. Housing Board,
Padmnabhpur, Durg (M.P).

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 2494 of 99 सन् ~~200~~

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16.10.2002 Shri P. Diwakar, counsel for the petitioner. Shri Ranbir Singh, G.A. for respondent No.1 Shri B.D.Guru, Counsel appears on behalf of Shri Prashant Mishra for respondent No.2. Shri Awadh Tripathi, Counsel for respondent No.3-Shri Ram Narayan Singh who is also personally present in the Court. None for respondent No.4. It is stated by the learned counsel for the petitioner I.A.No.277/2002 has been filed for disposal of the writ petition in terms of the settlement. The facts giving rise to the petition are that respondent No.3 was working as a Watchman under the petitioner-ISGEC John Thompson which is a Unit of Saraswati Industrial Syndicate Ltd., that had entered into a contract with the respondent No.2 for supply and erection of Boilers. The services of the said Respondent No.3 having been terminated, he had approached the Labour Court which passed an ex parte award in favour of respondent No.3 and against the petitioner directing the reinstatement of respondent No.3 with back	

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[शेष देखिये

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

wages. That award is the subject matter of challenge in this writ petition.

During the pendency of the writ petition, a compromise has been effected between the parties whereunder respondent No.3 who is gainfully employed elsewhere has given up his right of reinstatement and back wages in consideration of a lump sum payment of Rs.60,000/- The statement of said respondent No.3 has been recorded in Court. He has stated that he has entered into a compromise on his own free will and without any pressure from anyone. He admits his signature on I.A.No.277/2002. He has further clearly stated that the petition may be disposed of in terms of compromise.

Having heard learned counsel, the Court is of the opinion that as the compromise is bona fide and as the respondent No.3 has affixed his signature on the said I.A. on his own free will and accord, there can be no legal impediment in recording the same and disposing of the writ petition in terms of the agreement entered into between the parties. The terms of the compromise are as under:-

"i) That the petitioner M/s ISGEC John Thompson has agreed to pay and the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

respondent no.3 Shri Ram Narayan Singh has greed to accept the sum of Rs.60,000/- in full and final settlement of all his claims and dues in respect of ex parte award dated 08.08.97 passed in Case No.26 / IDA / 94 (Ref.) and pronounced on 13.10.97 by the Presiding Officer, Labour Court, Durg. In view of the above, the respondent no.3 relinquishes his right of reinstatement in service as well as back wages in above ex-parte order against respondents no.2 Bhilai Steel Plant and the Petitioner, ISGEC John Thompson.

ii) That consequent upon the above compromise, the respondent no.3 Ram Narayan Singh, shall not in future raise any dispute or claim upon the petitioner M/s ISGEC John Thompson and respondent no.2, the management of Bhilai Steel Plant, Bhilai and also shall not institute any further proceeding in respect of implementation and / or non-implementation of the aforesaid ex-parte award, the impugned ex-parte award dated 08.08.97 and pronounced on 13.10.97 stands fully satisfied.

iii) That any other Dispute / claim against the petitioner M/s ISGEC John Thompson and the management of Bhilai Steel Plant, if any, raised by respondent no.3 Shri Ram Narayan Singh pending before any Authority Tribunal / Court / Forum shall also be deemed to have been withdrawn by virtue of this compromise, which has also been reduced to writing vide '**Annexure A-1**' and has been explained to me (Mr.Ram

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आदेश पत्रक

मामला क्रमांक W.P. No. 2494/99 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —५—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Narayan Singh) in Hindi."	
	Accordingly, as the sum of Rs.60,000/- has been received by respondent No.3, the impugned award in so far as it directs reinstatement with back wages is set aside.	
	Petition stands disposed of accordingly.	
	Sd/- P.C. Naik Judge	